



General Assembly

January Session, 2013

Amendment

LCO No. 7546

HB0665907546HD0

Offered by:

REP. HOLDER-WINFIELD, 94th
Dist.

REP. FOX, 146th Dist.

REP. REBIMBAS, 70th Dist.

REP. PERILLO, 113th Dist.

To: Subst. House Bill No. 6659

File No. 694

Cal. No. 477

"AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2014*) (a) For the purposes of
4 this section:

5 (1) "Civil immigration detainer" means a detainer request issued
6 pursuant to 8 CFR 287.7;

7 (2) "Convicted of a felony" means that a person has been convicted
8 of a felony, as defined in section 53a-25 of the general statutes,
9 pursuant to a final judgment of guilt entered by a court in this state or
10 in a court of competent jurisdiction within the United States upon a
11 plea of guilty, a plea of nolo contendere or a finding of guilty by a jury

12 or the court notwithstanding any pending appeal or habeas corpus
13 proceeding arising from such judgment;

14 (3) "Federal immigration authority" means any officer, employee or
15 other person otherwise paid by or acting as an agent of United States
16 Immigration and Customs Enforcement or any division thereof or any
17 officer, employee or other person otherwise paid by or acting as an
18 agent of the United States Department of Homeland Security who is
19 charged with enforcement of the civil provisions of the Immigration
20 and Nationality Act; and

21 (4) "Law enforcement officer" means:

22 (A) Each officer, employee or other person otherwise paid by or
23 acting as an agent of the Department of Correction;

24 (B) Each officer, employee or other person otherwise paid by or
25 acting as an agent of a municipal police department;

26 (C) Each officer, employee or other person otherwise paid by or
27 acting as an agent of the Division of State Police within the
28 Department of Emergency Services and Public Protection; and

29 (D) Each judicial marshal and state marshal.

30 (b) No law enforcement officer who receives a civil immigration
31 detainer with respect to an individual who is in the custody of the law
32 enforcement officer shall detain such individual pursuant to such civil
33 immigration detainer unless the law enforcement official determines
34 that the individual:

35 (1) Has been convicted of a felony;

36 (2) Is subject to pending criminal charges in this state where bond
37 has not been posted;

38 (3) Has an outstanding arrest warrant in this state;

39 (4) Is identified as a known gang member in the database of the
40 National Crime Information Center or any similar database or is
41 designated as a Security Risk Group member or a Security Risk Group
42 Safety Threat member by the Department of Correction;

43 (5) Is identified as a possible match in the federal Terrorist Screening
44 Database or similar database;

45 (6) Is subject to a final order of deportation or removal issued by a
46 federal immigration authority; or

47 (7) Presents an unacceptable risk to public safety, as determined by
48 the law enforcement officer.

49 (c) Upon determination by the law enforcement officer that such
50 individual is to be detained or released, the law enforcement officer
51 shall immediately notify United States Immigration and Customs
52 Enforcement. If the individual is to be detained, the law enforcement
53 officer shall inform United States Immigration and Customs
54 Enforcement that the individual will be held for a maximum of forty-
55 eight hours, excluding Saturdays, Sundays and federal holidays. If
56 United States Immigration and Customs Enforcement fails to take
57 custody of the individual within such forty-eight hour period, the law
58 enforcement officer shall release the individual. In no event shall an
59 individual be detained for longer than such forty-eight hour period
60 solely on the basis of a civil immigration detainer."

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2014	New section